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Alphabet Inc. and YouTube, LLC*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DAVID A. STEBBINS,

Plaintiff,

V.

KARL POLANO et al.,

Defendants.

CASE NO.: 4:21-cv-04184-JSW

**OBJECTION TO PLAINTIFF’S  
UNAUTHORIZED SURREPLY  
[DKT. 153] AND OPPOSITION TO  
MOTION FOR LEAVE TO FILE  
SURREPLY [DKT. 152]**

Action Filed: June 2, 2021

Plaintiff continues to litter the Court’s docket with improper filings. Alphabet and YouTube (“Intervenors”) request the Court strike Plaintiff’s “Objection to Reply Evidence” dated June 6, 2022 concerning their pending Motion to Intervene. Dkt. 153. Although Plaintiff calls his latest filing an “Objection to Reply Evidence” pursuant to Local Rule 7-3(d)(1), the document is an argumentative surreply brief in violation of the Local Rule, which prohibits “further argument on the motion” without prior approval. The Court already denied a motion by Plaintiff to file a supplemental brief on the Motion to Intervene. *See* Dkts. 148 (motion) and 150 (order denying motion). Ignoring the Court’s order denying his request for supplemental briefing (and while awaiting an order on a pending *second* motion for leave to file a surreply, Dkt. 152), Plaintiff decided to go ahead and file the brief anyway under the false heading of an “Objection.” He admits that the document contains unauthorized legal argument, noting that it gives “an idea as to what kind of things I plan to argue upon supplemental filing[.]” Dkt. 153 ¶ 1. This “Objection” should be stricken as a violation of Local Rule 7-3(d)(1).

Intervenors also oppose Plaintiff’s pending motion for leave to file a surreply brief – his 36th motion in this case. Dkt. 152. Plaintiff purports to identify eight arguments that “were raised for the first time in the Reply,” but that is false. *Id.* at 2. Each of the arguments identified in Plaintiff’s motion are either restated from Intervenors’ opening brief (Dkt. 138) and/or are made in direct response to arguments raised by Plaintiff in his opposition brief (Dkt. 144).

Dated: June 7, 2022

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
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By: s/ Jason Mollick

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